

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

**WILLIAM CUMMINGS,** :  
**Plaintiff** : **CIVIL ACTION NO. 1:22-1119**  
**v.** : **(MANNION, D.J.)**  
: **(CARLSON, M.J.)**  
**A. WELLER, et al.,** :  
**Defendants**

**ORDER**

In accordance with this court's Memorandum issued this same day, **IT**

**IS HEREBY ORDERED THAT:**

1. The September 6, 2022 report of Judge Carlson, **(Doc. 10)**, is

**ADOPTED IN ITS ENTIRETY.**

2. The defendants' motion to dismiss, **(Doc. 6)**, is **GRANTED**.

3. All of the claims in the plaintiff's complaint, **(Doc. 1-1)**, are

**DISMISSED WITHOUT PREJUDICE.**

4. The plaintiff's objection to the report, **(Doc. 11)**, is

**OVERRULED.**

**5.** The plaintiff is **GRANTED** leave to file one amended

complaint that conforms to Judge Carlson's directives upon

remand of this case.

**6.** The clerk of court is directed to **REMAND** this case to Judge

Carlson for further proceedings consistent with this Order.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Judge**

**DATE: September 29, 2022**

22-1119-01-Order